

HOUSE BILL 1114

By Carr J

AN ACT to amend Tennessee Code Annotated, Title 3;
Title 4 and Title 71, relative to oversight of the
TennCare program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 3, is amended by adding the following
as a new chapter 15:

3-15-101.

(a) In order to improve and promote accessible and affordable health care
for Tennesseans, to create a better environment for management and to ensure
the successful implementation of TennCare, there is hereby created the select
oversight committee on TennCare, hereinafter referred to as "the committee".

(b) The committee shall be composed of fourteen (14) members, with
seven (7) members to be appointed by the speaker of the senate and seven (7)
members to be appointed by the speaker of the house of representatives. A
quorum shall be established by eight (8) members of the entire committee.

3-15-102.

(a)

(1) The committee shall elect from its membership a chair, a vice
chair, and such other officers as it considers necessary.

(2) The chair shall be elected for each general assembly and shall
alternate by general assembly between a member of the house of
representatives and a member of the senate. The chair for the 108th
general assembly shall be from the house of representatives.

(b) The committee may also:

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(1) Create subcommittees related to its purposes;

(2) Operate as a committee with all of the powers of any legislative committee, including, but not limited to, those provided for in chapter 3 of this title;

(3) Request that standing committees of the general assembly, the fiscal review committee, or other agencies study certain aspects of the TennCare program and report to the committee;

(4) Conduct hearings;

(5) Employ staff, subject to the availability of funds;

(6) Enter into contracts for technical or professional services, subject to the availability of funds; the speaker of the senate and the speaker of the house shall jointly determine the qualifications and task or job descriptions of any consultant or other person contracted for services, and shall jointly select any such consultant or other person on behalf of the committee; and

(7) Perform such other duties as are required.

3-15-103.

(a) The committee shall meet at least quarterly and at the call of the chair.

The first meeting of the committee shall be convened by the speaker of the house of representatives.

(b) Members of the committee are entitled to be reimbursed for their expenses in attending meetings of the committee or any subcommittees thereof at the same rates and in the same manner as when attending the general assembly.

3-15-104. The committee shall report on its activities to each member of the general assembly.

3-15-105.

(a) It is the intent of this part that plans be made carefully and be reviewed thoroughly to help ensure that the TennCare program achieves its intended purposes, to help ensure that access and quality of health care are maintained for TennCare enrollees, and to help ensure that the general assembly and the public can have confidence that the TennCare program operates in an effective and efficient manner.

(b) To these ends, the committee shall review proposed policies and expenditures for TennCare and shall make its comments on proposed policies and expenditures in a timely fashion according to this section.

(c) Any proposed expenditure of funds, including TennCare funds to managed care organizations (MCOs) or the distribution of supplemental pool funds to providers, any administrative or management changes requiring additional expenditures, and any proposed expenditure for expanding or otherwise modifying the TennCare program, shall be filed in writing by the commissioner of finance and administration with the committee and may be reviewed by the committee. After any such review, the committee may comment to the commissioner of finance and administration on the proposed expenditures; provided, that any such comment shall be made within thirty (30) days after receipt by the committee of the proposal for such expenditures.

3-15-106. The committee shall receive information and assistance from the department of health, the department of mental health and substance abuse services, the department of intellectual and developmental disabilities and other agencies of state government, as necessary.

3-15-107.

(a) For the purposes of this part, "managed care organization" and "MCO" mean any health maintenance organization, behavioral health organization, any entity regulated pursuant to title 56, chapter 32, and contractors of such entities.

(b) The committee shall review regularly the following programs, functions, and activities of the department of finance and administration's health care financing administration and the TennCare program:

(1) Eligibility and enrollment standards, including determinations of how TennCare enrollees are assigned to MCOs, or other matters related to eligibility and assignment of TennCare enrollees;

(2) Provisions of services, facilities, or programs by TennCare providers, including TennCare's benefit packages or other related matters;

(3) Medical assistance as provided through standard Medicaid and long-term care, including nursing home and home and community-based services;

(4) Review and evaluation of performance of TennCare MCOs, including their compliance with contracts entered into with the state, review of MCO contracts entered into with any TennCare provider or other related matters;

(5) Compliance by the department with provisions of the TennCare federal waiver, including review of proposed amendments to the waiver for system changes, and evaluations or

reports prepared for or by the federal government, or other related matters;

(6) Interaction with the program with federal health reform efforts, including establishment of exchanges and expansion of TennCare coverage;

(7) Management and staffing, including planning, budgeting, information systems, organizational structure, rules and regulations, department policies and procedures, or other related matters; and

(8) Any other matters considered material.

3-15-108.

(a) When any bill is introduced in the general assembly that will impact or potentially impact upon any area within the scope of review of the committee, as set out in this chapter, the clerk shall at the same time such bill is referred to the appropriate standing committee, notify the chair of the oversight committee of such bill and transmit a copy of such bill to the oversight committee. For purposes of participating in the discussions and comments of the oversight committee, the oversight committee chair shall notify the chair or the chair's designee of the standing committee of the date, time and location where the oversight committee will meet to review legislation which has been assigned to the standing committee, and such chair or the chair's designee shall become an ex officio member of the oversight committee when the oversight committee considers such legislation.

(b) In order to efficiently execute the duties set out in this part, the committee shall review all bills transmitted to it as provided in subsection (a), and may attach committee comments to such bill prior to its consideration by the appropriate standing committee. The sole purpose of review by the committee is to assist the standing committee in its consideration of TennCare related legislation by providing appropriate background information on the bill or information concerning the impact of the bill on the TennCare program. The committee shall make no recommendation concerning the passage of a bill it reviews nor shall it have the authority to prevent the consideration of the bill by the standing committee to which it is referred. The committee's review of all bills transmitted to it pursuant to subsection (a) shall be completed and the notification required in subsection (c) returned to the chair of the appropriate standing committee no later than four (4) weeks after a bill covered by the provisions of this section has first been introduced.

(c) Upon completion of the review process within the time limitation established in subsection (b), the chair of the oversight committee shall send written notification to the chair of the appropriate standing committee indicating that the review process has occurred and that the bill is ready for consideration by the standing committee. If the oversight committee has prepared committee comments on a bill, such comments shall be attached to the notification to the chair. If the committee has reviewed a bill but has no committee comments, that shall be indicated in the notification to the chair. If a bill is referred to the committee for review but has not been reviewed within the time period set

out in subsection (b), the chair shall notify the appropriate chair that the bill has not been reviewed but is ready for consideration by the standing committee.

3-15-109. The committee shall terminate on June 30, 2018.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.